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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,565	12/14/1999	STEVEN ERICSSON ZENITH	MS-148615.1	3972
22913	7590	05/18/2004	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			TRAN, MYLINH T	
		ART UNIT	PAPER NUMBER	
		2174	25	
DATE MAILED: 05/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/461,565

Applicant(s)

STEVEN ERICSSON ZENITH

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on Amendment filed 03/10/08.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-3,5,6,8-10,20,21,26-28 and 30-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-3,5,6,8-10,20,21,26-28 and 30-37 is/are rejected.  
7) Claim(s) 38 and 39 is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
    1. Certified copies of the priority documents have been received.  
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_ .  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

Applicant's Amendment filed 03/10/04 has been entered and carefully considered. Claim 26 has been amended. Claims 7, 11-13 and 15-19 have been cancelled. New claims 34-39 have been added. However, limitations of amended claims have not been found to be patentable over prior art of record, therefore, claims 1-3, 5-13, 15-21, 26-28 and 30-33 are rejected under the same ground of rejection as set forth in the Office Action mailed 12/22/03).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5-13, 15-21, 26-28 and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison [US. 5,694,163] in view of Schein et al. [US. 6,323,911].

As to claims 1, 20, 26 and 30, Harrison discloses receiving a video signal at the device (see abstract and column 2, lines 53-67). Harrison cites "....A television program is combined with the associated data at a broadcast transmitter. The encoded television signal is broadcast..." read as the video signal; receiving at the device one or more chat communications

corresponding to the video signal (column 2, lines 55-65). Harrison also cites "...their personal computers over a telephone network with an on-line service that provides a chat capability...A chat formatter at this server formats and transmits the chat over an associated data channel..." read as the user interface device chat communications; displaying the video signal and the one or more chat communications on the display in a first mode (figure 2, (214)) such that the video signal is displayed in a first frame (figure 2, (216)) that has a corresponding size and position on the display and such that the one chat communication are displayed in a second frame that has a corresponding size and position on the display (figure 2, (226)) and see column 4, lines 22-49). The difference between Harrison and the claim is a link to a second display mode that is different than the first display mode, such that when the link is selected, the second frame displays the one or more chat communications with at least one of a different frame size and a different frame position than was used by the second frame in the first display mode. Schein et al. shows the feature at figure 5 (column 1, line 58 through column 2, line 23 and column 10, lines 30-65. The first mode includes 2 frames (windows) (figure 5C, 132 (TV), 134 (chat)); when a user select (134), frame (134) would enlarge its size while frame (132) reduces its size, a second mode right now with frame (134) is bigger than frame (132) which is different than the first mode. It would have been obvious to one of ordinary skill in the art, having the teachings of Harrison and Shein et al.

before them at the time the invention was made to modify the video signal and the chat communication on the display taught by Harrison to include the link to the second mode of the display of Shein et al., with the motivation being to allow user to be able to watch various display modes by adjusting the screen layout as taught by Shein.

As to claims 2, Harrison also discloses the video signal is a television show (column 2, lines 53-67).

As to claims 3, Harrison teaches the chat communications is text (see abstract and column 2, lines 54-68).

As to claims 5, Shein shows the chat overlies a portion of the video signal (column 7, lines 45-60).

As to claims 6, Shein also shows changing the video signal receive a different channel, and in response to the different channel sending a request to a server for different chat communication corresponding to the different channel (column 10, lines 22-65).

As to claims 8, Shein also demonstrates displaying an area on the display for sending information relating to the video signal or one or more chat communications (column 11, lines 17-50).

As to claims 9, Harrison discloses displaying an area the display for scrolling through the one more chat Communications (column 2, lines 31-51).

As to claims 10, 21, 31 and 33, while Harrison shows a television markup language and document that represents the second display mode and

rendering the document to display the video signal and one or more chat communications in accordance with the second display mode, Shein shows the selecting the link (column 1, line 58 through column 2, line 23 and column 10, lines 30-65).

As to claim 27, Shein shows the video comprises a television show (column 6, lines 25-60).

As to claim 28, Shein also shows changing the video to a different channel, and in response to the different channel sending a request to a server for different channel corresponding to the different channel (column 10, lines 25-65).

As to claim 32, Harrison teaches instruction for displaying an area on the display for scrolling through the chat (column2, lines 38-48).

As to claim 34-35, Shein teaches the selection of the link causing the first frame to display the video signal with at least one of a different first frame size and a different first frame position (figure 5c, when a user selects the link 134 (the window is also a link), the window would display a bigger size occupying a whole screen replacing window 132, while window 132 disappears). So, the size and position of the first window (132) change comparing to before the user selects the link (window 134).

As to claims 36-37, Shein also teaches the link comprising a selectable object displayed within the second frame (window 134 is also the link and a selectable object).

***Allowable Subject Matter***

Claims 38-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

These claims would be allowable because the prior arts fail to teach or suggest “additional link corresponds to at least one additional display mode that is different than the first and second display modes and that when selected causes at least one of the size and position of at least one of the first and second frames to change”

***Response to Arguments***

Applicant has argued both references fail to disclose “a link is displayed along with the displayed video and chat and that, when selected, causes at least the chat frame to change its size and/or position”. However, the link is also the window 134 which user can select to make the window bigger.

Applicant’s attention is also directed to column 10, lines 22-65 (figure 5c, when a user selects the link 134 (the window is also a link), the window would display a bigger size occupying a whole screen replacing window 132, while window 132 disappears). So, the size and position of the first window (132) change comparing to before the user selects the link (window 134).

The first mode includes 2 frames (windows) (figure 5C, 132 (TV), 134 (chat)); when a user select (134), frame (134) would enlarge its size while frame

(132) reduces its size, a second mode right now with frame (134) is bigger than frame (132) which is different than the first mode.

Applicant argues window 134, figure 5C of Shein is not a chat window. However, Harrison shows the chat window at figure 2, 226.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or

Art Unit: 2174

draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Art Unit: 2174

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2174

*Kristine Kincaid*  
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